IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.368 OF 2007

Sangita Vinod Chandurkar ... Petitioner

V/s.

Mr. Kadir Khan, Sr. Inspector & Ors. ... Respondents

Mr. Vidhyadhar V. Gangurde for the petitioner.

Mr. S. R. Borulkar, PP for the State.

CORAM : SMT. RANJANA DESAI & ANOOP V. MOHTA,JJ.

DATED : 23rd February, 2007

P.C.

This petition is not on board. It is mentioned urgently before us. This pertains to the custodial death.

2. The case of the petitioner is that, husband of the petitioner Vinod Chandurkar died while in custody of Wadala Police lock-up. It is suggested in the petition that the death may be due to assault by the police. The petitioner seeks second post-mortem, as according to the petitioner, the post-mortem report is not consistent with the inquest punchanama. The

petitioner also seeks transfer of the investigation to State C.I.D.

3. We heard Mr. Borulkar, the learned PP for the state. He states that as per the Government Circular, the post-mortem is conducted by Panel of doctors in J. J. Hospital and it is videographed. The learned APP submits that however, if the petitioner wants second post-mortem, the police will ensure that it is conducted. The first post-mortem is conducted at J.J.Hospital. Therefore, we direct that second post-mortem be conducted on the death body of Vinod Chandurkar in Sion Hospital, tomorrow.

4. The learned PP states that the report of second post-mortem will be handed over to the petitioner or her counsel after the investigating officer receives the same. The request of the petitioner to transfer the investigation to State C.I.D. need not be entertained at this stage because the investigation is not conducted by Wadala Police Station and the same is conducted by D.C.B, C.I.D., Crime Branch. That request, therefore, cannot be entertained at this stage.

5. The learned counsel for the petitioner states that after the second post-mortem, the petitioner shall take the body of deceased Vinod from the custody of police. The police shall hand over the body of deceased Vinod to the petitioner after the second post-mortem for last rites. No further order is necessary. The petition is disposed of.

[SMT.RANJANA DESAI, J.]

[ANOOP V. MOHTA, J.]